

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/035, 708 03/05/98 ZEMLAN

F 1259-064

HM22/1008

EXAMINER

STANLEY & GILCREST
495 METRO PLACE SOUTH
SUITE 210
DUBLIN OH 43017

DUFFY, P

ART UNIT

PAPER NUMBER

10

1645

DATE MAILED:

10/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/035,708			

EXAMINER	
DUFFY	
ART UNIT	PAPER NUMBER
1645	10

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1. The reply filed on 7-26-99 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): applicants' did not respond to the following issues in the last office letter.

(a) Group VII-

Species A - tau

Species B - light neurofilament subunit

Species C - medium neurofilament subunit

Species D - heavy neurofilament subunit

Species E - neurofilament 66.

Each of the species is distinct each from the other because they have different primary sequences, form different size neurofilament structures which are distinguished from each other based on the size and subunit composition

* Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 14, 15, 23, 26, and 30 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

(b) Should applicant elect Group VII for prosecution, it is noted that the application was filed with duplicate page 27 and no page 28, and thus claim 30 is incomplete as written. Applicants' response should address the incomplete issue in regard to claim 30. Any additional claims will not be considered as originally filed.

Since the above-mentioned reply appears to be *bona fide*, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED

UNDER 37 CFR 1.136(a).

2. Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia A. Duffy, Ph.D. whose telephone number is (703) 305-7555. The examiner can normally be reached on Monday-Friday from 6:30 AM to 3:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached at (703) 308-3995.

Patricia A. Duffy, Ph.D.

October 7, 1999

Patricia A. Duffy

Patricia A. Duffy, Ph.D.

Primary Examiner

Group 1600